



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 11, 2005

By Certified Mail, Postage Prepaid

Mark Van Ausdal
American Pharmaceutical Partners, Inc.
1501 E. Woodfield Drive, Ste. 300E
Schaumburg, IL 60173-5837

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Ausdal:

I am writing to inform you that American Pharmaceutical Partners, Inc., is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 25, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, American Pharmaceutical Partners, Inc., has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, American Pharmaceutical Partners, Inc., is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 25, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

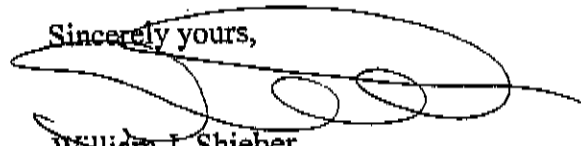
To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for American Pharmaceutical Partners, Inc.'s, drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

EXHIBIT

B

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

Tex. Health & Safety Code § 431.116

1 of 1 DOCUMENT

TEXAS STATUTES AND CODES ANNOTATED BY LEXISNEXIS(R)

*** THIS DOCUMENT IS CURRENT THROUGH ALL 2003 LEGISLATION ***
*** NO LEGISLATION ENACTED IN 2004 ***
*** March 2005 Annotation Service ***

HEALTH AND SAFETY CODE
TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES
SUBTITLE A. FOOD AND DRUG HEALTH REGULATIONS
CHAPTER 431. TEXAS FOOD, DRUG, AND COSMETIC ACT
SUBCHAPTER E. DRUGS AND DEVICES

CO TO TEXAS CODE ARCHIVE DIRECTORY

Tex. Health & Safety Code § 431.116 (2004)

§. 431.116. Average Manufacturer Price

(a) In this section, "average manufacturer price" has the meaning assigned by 42 U.S.C. Section 1396r-8(k), as amended.

(b) A person who manufactures a drug, including a person who manufactures a generic drug, that is sold in this state shall file with the department:

(1) the average manufacturer price for the drug; and

(2) the price that each wholesaler in this state pays the manufacturer to purchase the drug.

(c) The information required under Subsection (b) must be filed annually or more frequently as determined by the department.

(d) The department and the attorney general may investigate the manufacturer to determine the accuracy of the information provided under Subsection (b). The attorney general may take action to enforce this section.

(e) The department shall report the information collected under Subsection (b) to the Interagency Council on Pharmaceuticals Bulk Purchasing.

(f) Notwithstanding any other state law, pricing information disclosed by manufacturers or labelers under this section may be provided by the department only to the Medicaid vendor drug purchase program for its sole use. The Medicaid vendor drug purchase program may use the information only as necessary to administer its drug programs, including Medicaid drug programs.

(g) Notwithstanding any other state law, pricing information disclosed by manufacturers or labelers under this section is confidential and, except as necessary to permit the attorney general to enforce state and federal laws, may not be disclosed by the Health and Human Services Commission or any other state agency in a form that discloses the identity of a specific manufacturer or labeler or the prices charged by a specific manufacturer or labeler for a specific drug.

Tex. Health & Safety Code § 431.116

(h) The attorney general shall treat information obtained under this section in the same manner as information obtained by the attorney general through a civil investigative demand under Section 36.054, Human Resources Code.

(i) Notwithstanding any other state law, the penalties for unauthorized disclosure of confidential information under Chapter 552, Government Code, apply to unauthorized disclosure of confidential information under this section.

HISTORY: Stats. 2001 77th Leg. Sess. Ch. 1003, effective September 1, 2001; Stats. 2003 78th Leg. Sess. Ch. 198, effective September 1, 2003.

7004 0750 0000 6763 9321

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Restricted Delivery Fee (Endorsement Required)		

Postmark Here

MARK VAN AUSDAL
AMERICAN PHARMACEUTICAL
PARTNERS, INC.
 1501 E WOODFIELD DR STE 300E
 SCHAMBERG IL 60173-6029

PS Form 3811, June 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p>MARK VAN AUSDAL AMERICAN PHARMACEUTICAL PARTNERS, INC. 1501 E WOODFIELD DR STE 300E SCHAMBERG IL 60173-6029</p>	<p>2. Signature: <i>[Signature]</i></p> <p>3. Received by (Printed Name): <i>[Signature]</i></p> <p>4. Date of Delivery: <i>4/14/05</i></p> <p>5. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>2. Article # 7004 0750 0000 6763 9321</p> <p>(Transit)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> G.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102535-02-M-1540



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 5, 2005

Giora Carni
Clay-Park Labs
1700 Bathgate Ave.
Bronx, NY 10457

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Ms. Carni:

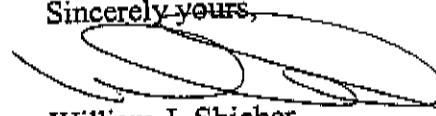
I am writing to inform you that Clay-Park Labs is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 20, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, Clay-Park Labs has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, Clay-Park Labs is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 20, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for Clay-Park Labs's drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Total F Giora Carni

Sent To Clay-Park Labs

1700 Bathgate Ave.

Bronx, NY 10457

PS Form 3800, June 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Giora Carni
 Clay-Park Labs
 1700 Bathgate Ave.
 Bronx, NY 10457

2. Article Number
(Transfer from service label)

7004 0750 0000 6763 4487

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Giora Carni*☐ Agent☐ Addressee

B. Received by (Printed Name)

Denrick Rucker

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
- If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 5, 2005

Paul B. McGarty, CEO
Fougera, a Division of Altana, Inc.
60 Baylis Rd.
Melville, NY 11747-0103

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. McGarty:

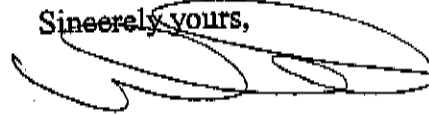
I am writing to inform you that Fougera, a Division of Altana, Inc. is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 20, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, Fougera, a Division of Altana, Inc. has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, Fougera, a Division of Altana, Inc. is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 20, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for Fougera, a Division of Altana, Inc.'s drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Pk: Paul B. McGarty, CEO

Sent To: Fougere, a Division of Atlanta, Inc.

Street, Ap or PO Box: 60 Baylis Rd.

City, State: Melville, NY 11747-0103

PS Form 3811, June 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paul B. McGarty, CEO
 Fougere, a Division of Atlanta, Inc.
 60 Baylis Rd.
 Melville, NY 11747-0103

2. Article Number
 (Transfer from service label)

7004 0750 0000 6763 4623

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *[Signature]*

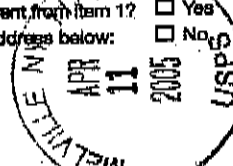
- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

- D. Is delivery address different from item 1?** ☐ Yes
 If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 5, 2005

Howard J. Weisman, President
ESP Pharma, Inc.
2035 Lincoln Highway, Ste. 2150
Edison, NJ 08817

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Weisman:

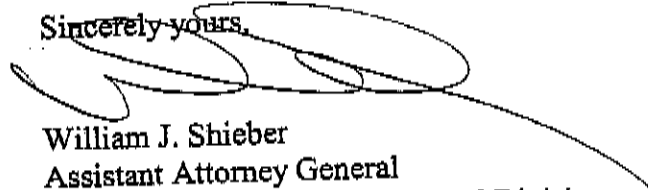
I am writing to inform you that ESP Pharma, Inc. is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 20, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, ESP Pharma, Inc. has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, ESP Pharma, Inc. is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 20, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for ESP Pharma, Inc.'s drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

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cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Post		

Sent To: **Howard J. Weisman, President**
ESP Pharma, Inc.
2035 Lincoln Highway, Ste. 2150
Edison, NJ 08817

PS Form 3811, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

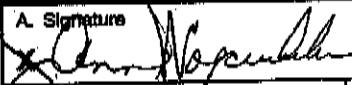
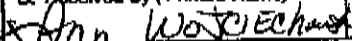
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Howard J. Weisman, President
ESP Pharma, Inc.
2035 Lincoln Highway, Ste. 2150
Edison, NJ 08817

2. Article Number
(Transfer from service label)

7004 0750 0000 6763 4685

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

☐ Agent☐ Addressee**B. Received by (Printed Name)**

C. Date of Delivery**D. Is delivery address different from item 1?** ☐ Yes

If YES, enter delivery address below:

☐ No**3. Service Type**☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 4, 2005

George Cole, President
SAVAGE LABORATORIES
Savage Laboratories, c/o Atlanta, Inc.
60 Baylis Road
Melville, NY 11747

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Cole:

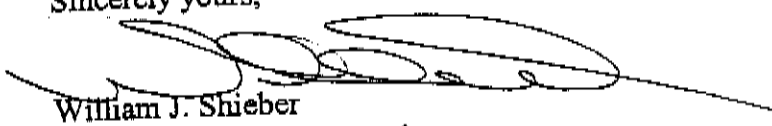
I am writing to inform you that SAVAGE LABORATORIES is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 18, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, SAVAGE LABORATORIES has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, SAVAGE LABORATORIES is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 18, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for SAVAGE LABORATORIES's drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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Restricted Delivery Fee (Endorsement Required)		
Total		

Sent To: George Cole, President
 SAVAGE LABORATORIES
 Savage Laboratories
 c/o Altana, Inc.
 60 Baylis Road
 Melville, NY 11747

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the container space permits.

1. Article Addressed to:
 George Cole, President
 SAVAGE LABORATORIES
 Savage Laboratories
 c/o Altana, Inc.
 60 Baylis Road Box 2006
 Melville, NY 11747

2. Art 7004 0750 0000 6764 1140
 (Transfer from Service label)

ADDRESSEE: COMPLETE THIS SECTION ON DELIVERY

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type:
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102565-02-M-1540



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 5, 2005

Philip Young
Healthpoint, LTD
3907 Hulen St.
Fort Worth, TX 76107

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Young:

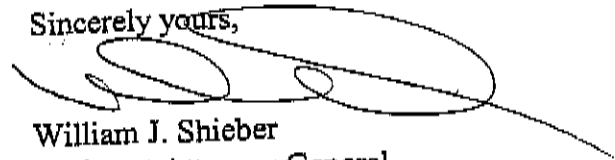
I am writing to inform you that Healthpoint, LTD is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 20, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, Healthpoint, LTD has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, Healthpoint, LTD is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 20, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for Healthpoint, LTD's drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
Sent To <u>Philip Young</u>	
<u>Healthpoint, LTD</u>	
<u>3907 Hulen St.</u>	
<u>Fort Worth, TX 76107</u>	
PS Form 3811	See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <u>Philip Young</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>4-8</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Philip Young</u> <u>Healthpoint, LTD</u> <u>3907 Hulen St.</u> <u>Fort Worth TX 76107</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2 7004 0750 0000 6763 4852



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 5, 2005

Robert D. Speiser, CEO
Hercon Laboratories Corporation
Aberdeen Road
Emigsville, PA 17318

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Speiser:

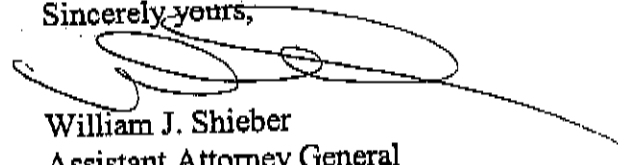
I am writing to inform you that Hercon Laboratories Corporation is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 20, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, Hercon Laboratories Corporation has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, Hercon Laboratories Corporation is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 20, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for Hercon Laboratories Corporation's drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

7004 0750 0000 6763 4869

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only. No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Post	
Robert D. Speiser, CEO Hercion Laboratories Corporation Aberdeen Road Emigsville, PA 17313	
Sent To Street, Apt. or PO Box City, State	

Postmark Here

PS Form 3811, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) LAURENCE</p> <p>C. Date of Delivery APR - 8 2005</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to</p> <p>Robert D. Speiser, CEO Hercion Laboratories Corporation Aberdeen Road Emigsville, PA 17313</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2.</p> <p>7004 0750 0000 6763 4869</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 5, 2005

Beth R. Jacobson
Executive VP and General Counsel
LifeCycle Ventures, c/o PDI, Inc.
10 Mountainview Rd.
Upper Saddle River, NJ 07458

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Ms. Jacobson:

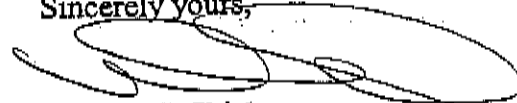
I am writing to inform you that LifeCycle Ventures, c/o PDI, Inc. is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 20, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, LifeCycle Ventures, c/o PDI, Inc. has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, LifeCycle Ventures, c/o PDI, Inc. is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 20, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for LifeCycle Ventures, c/o PDI, Inc.'s drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

7004 0750 0000 6763 4951

U.S. Postal Service TM	
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
To: Beth R. Jacobson	
Sent To: Executive VP and General Counsel	
LifeCycle Ventures, c/o PDI, Inc.	
10 Mountainview Rd.	
Upper Saddle River, NJ 07458	

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Beth R. Jacobson
Executive VP and General Counsel
LifeCycle Ventures, c/o PDI, Inc.
10 Mountainview Rd.
Upper Saddle River, NJ 07458

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

x *Mike Phillip*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

MIKE PHILLIP

C. Date of Delivery

4/11/05

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2.

7004 0750 0000 6763 4951



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 4, 2005

Tammy Chase, Manager
PHARMASCIENCE LABORATORIES, INC.
295 Firetower Road
Tonawanda, NY 14150-2312

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Ms. Chase:

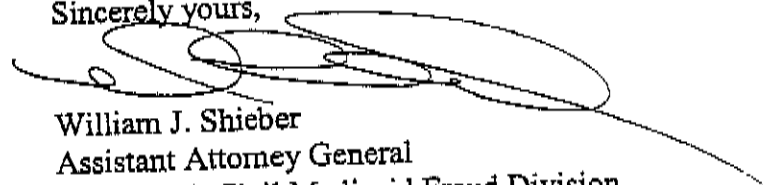
I am writing to inform you that PHARMASCIENCE LABORATORIES, INC. is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 18, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, PHARMASCIENCE LABORATORIES, INC. has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, PHARMASCIENCE LABORATORIES, INC. is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 18, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for PHARMASCIENCE LABORATORIES, INC.'s drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Fee		

Tammy Chase, Manager
PHARMASCIENCE LABORATORIES,
INC.
 295 Firetower Road, Tonawanda, NY
 14150-2312

Sent To _____
 Street, Apt. or PO Box _____
 City, State _____

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

☐ Complete this form if you are sending a letter or card.
☐ If you are sending a package, please check the appropriate box.
☐ If you are sending a package, please check the appropriate box.
☐ Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed To:
Tammy Chase, Manager
PHARMASCIENCE LABORATORIES,
INC.
 295 Firetower Road
 Tonawanda, NY 14150-2312

2. **7003 2260 0002 7403 0314**

PS Form 3811, August 2001



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 4, 2005

Paul May, President
PHARMACEUTICAL ASSOCIATES, INC.
5220 S. Manhattan Ave.
Tampa, FL 33611-3420

Re: *Notice of Violation of Texas Health & Safety Code § 431.116*

Dear Mr. May:

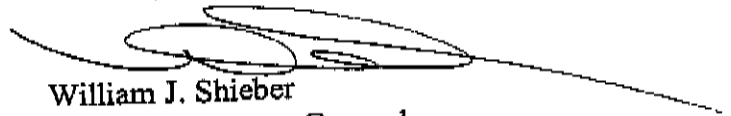
I am writing to inform you that PHARMACEUTICAL ASSOCIATES, INC. is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 18, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, PHARMACEUTICAL ASSOCIATES, INC. has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, PHARMACEUTICAL ASSOCIATES, INC. is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 18, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for PHARMACEUTICAL ASSOCIATES, INC.'s drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

7003 2260 0002 7403 0307

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Pr		

Sent To: **Paul May, President**
PHARMACEUTICAL ASSOCIATES, INC.
5220 S. Manhattan Ave.
Tampa, FL 33611-3420

Street, Apt.
or PO Box
City, State

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

☐ Complete this section if you are sending a letter or card.
☐ Mark the box if you are sending a letter or card.
☐ Print your name and address on the reverse so that we can return the receipt to you.
☐ Attach this receipt to the back of the mail piece or on the front if space permits.

1. Article Addressed to:
Paul May, President
PHARMACEUTICAL ASSOCIATES, INC.
5220 S. Manhattan Ave.
Tampa, FL 33611-3420

ADDRESSEE: COMPLETE THIS SECTION ONLY IF NECESSARY

☒ Agent
☐ Addressee

☐ Received by (Printed Name) ☐ Certified Delivery

Date delivery address changed from form 17 ☐ Yes
 If YES, enter delivery address below: ☐ No

☐ Registered Mail ☐ Express Mail
☐ Registered Mail ☐ Registered Mail
☐ Registered Mail ☐ Registered Mail

2. Article (Transfer) **7003 2260 0002 7403 0307**

PS Form 3810, August 2001 See Reverse for Instructions



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 4, 2005

William H. Person, President
PERSON & COVEY, INC.
616 Allen Avenue
Glendale, CA 91201

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Person:

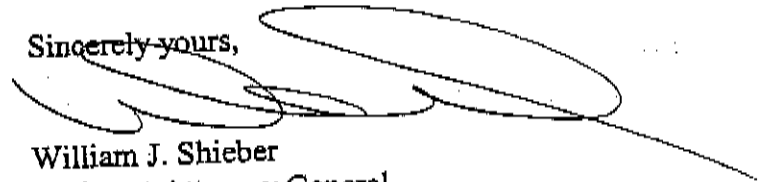
I am writing to inform you that PERSON & COVEY, INC. is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 18, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, PERSON & COVEY, INC. has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, PERSON & COVEY, INC. is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 18, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for PERSON & COVEY, INC.'s drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber
Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total		

Postmark
Here

William H. Person, President
PERSON & COVEY, INC.
 616 Allen Avenue
 Glendale, CA 91201

Send To: _____
 Street, or PO: _____
 City, State, ZIP+4: _____

7003 2260 0002 7403 0291

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

☒ Complete this form if you are sending a Certified Mail item with Restricted Delivery or Insured Mail.

☒ Print your name and address on the reverse so that we can return the card to you.

☒ Attach this card to the back of the mail piece.

1. Addressee

William H. Person, President
 PERSON & COVEY, INC.
 616 Allen Avenue
 Glendale, CA 91201

ADDRESSEE: COMPLETE THIS SECTION

2. Received by (Printed Name) William H. Person

3. Is delivery address different from item's return address? ☒ Yes ☐ No

If YES, enter delivery address below:

PO Box 25018
Glendale, CA 91221-5018

4. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ Signature Confirmation

5. Restricted Delivery (Extra Fee) ☐ Yes ☒ No

25/41

7003 2260 0002 7403 0291

PS Form 3811, August 2001 Domestic Return Receipt 7003-02-11540



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

By Certified Mail, Postage Prepaid

April 4, 2005

Melvin D. Sharoky, President
SOMERSET PHARMACEUTICALS INC
2202 N. West Shore Blvd., Suite 450
Tampa, FL 33607

Re: Notice of Violation of Texas Health & Safety Code § 431.116

Dear Mr. Sharoky:

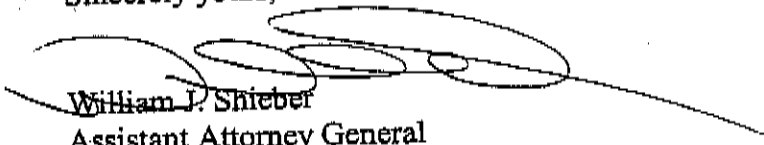
I am writing to inform you that SOMERSET PHARMACEUTICALS INC is currently in violation of Texas Health & Safety Code § 431.116, and that it has until **April 18, 2005** to satisfy the requirements of this statute. (A copy of Texas Health & Safety Code § 431.116 is attached for your review.)

Texas Health & Safety Code § 431.116 requires companies which distribute prescription drugs in Texas to send the Texas Health & Human Services Commission (HHSC) the average manufacturer price (AMP) for all drugs currently on the Texas formulary. Based on HHSC records, SOMERSET PHARMACEUTICALS INC has not filed any AMPs with HHSC for any quarter of calendar year 2004. For this reason, SOMERSET PHARMACEUTICALS INC is in clear violation of Texas law. If it fails to file its AMPs with HHSC by **April 18, 2005**, the Texas Office of the Attorney General will take appropriate action to compel it to do so.

To comply with the requirements of Texas Health & Safety Code § 431.116, AMPs for SOMERSET PHARMACEUTICALS INC's drugs on the Texas formulary (including AMPs for drugs distributed by subsidiaries and affiliates) should be sent to Health & Human Services Commission, Vendor Drug Program Formulary, Mail Code H630, P.O. Box 85200, Austin, TX 78708-5200. These AMP reports should include the AMPs reported to CMS for the last quarter of 2004 (due January 31, 2005), and should continue to be sent on an ongoing basis beginning with the report for the first quarter of 2005 (due April 30, 2005).

If you have any questions about HHSC's AMP reporting requirements, please contact Martha McNeill, Director, Vendor Drug Program Formulary, at (512) 491-1157.

Sincerely yours,



William J. Shieber

Assistant Attorney General
Antitrust & Civil Medicaid Fraud Division
Texas Office of the Attorney General
(512) 463-1710
(512) 320-0975 (Facsimile No.)
William.Shieber@oag.state.tx.us

Attachment

cc. Martha McNeill, HHSC
Susan Miller, Esq., HHSC

U.S. Postal Service
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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Post **Melvin D. Sharoky, President**
SOMERSET PHARMACEUTICALS INC.
 Sent To **2202 N. West Shore Blvd., Suite 450**
Tampa, FL 33607
 Street, Apt. or PO Box
 City, State

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your home and address on the reverse so that we can return the card to you. Attach this card to the back of the mail piece or on the front if space permits.		A. Signature <i>Melvin D. Sharoky</i> <input type="checkbox"/> Agent B. Received by (Printed Name) <i>Melvin D. Sharoky</i> <input type="checkbox"/> Addressee C. Date of Delivery <i>4-6-05</i>	
1. Article Addressed to: Melvin D. Sharoky, President SOMERSET PHARMACEUTICALS INC. 2202 N. West Shore Blvd., Suite 450 Tampa, FL 33607		D. Delivery address different from item 1? <input type="checkbox"/> Yes If "Yes," enter delivery address below: <input type="checkbox"/> No	
2. Article 7004 0750 0000 6764 1218 (Transfer from service label)		3. Service type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> O.D.	
PS Form 3811, February 2004 Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	